

use of firearms would be subject only to "rational basis" review. As Sandy Froman, a respected lawyer and former National Rifle Association president, said in her witness testimony, this is a "very, very low threshold" that can easily be met by a State or city that wishes to prohibit all gun ownership, even in the home. Thus, if Judge Sotomayor's decision were allowed to stand as precedent, then States will, ironically, be able to do what the Federal District of Columbia cannot—place a *de facto* prohibition on the ownership of guns and other arms.

As we have seen, Judge Sotomayor's testimony about her previous speeches and some of her decisions is difficult, if not impossible, to reconcile with her record. Similarly, her testimony about the extent of her role with PRLDEF is in tension with the evidence that we have. The New York Times has detailed her active involvement as recounted by former PRLDEF colleagues, who have described Judge Sotomayor as a "top policy maker" who "played an active role as the defense fund staked out aggressive stances."

What were the litigation positions advanced by PRLDEF during Judge Sotomayor's tenure there? Well, it argued in court briefs that restrictions on abortion are analogous to slavery. And it repeatedly represented plaintiffs challenging the validity of employment and promotional tests—tests similar to the one at issue in Ricci.

Unfortunately, I have not been persuaded that Judge Sotomayor is absolutely committed to setting aside her biases and impartially deciding cases based upon the rule of law. And I cannot ignore her unwillingness to answer Senators' questions straightforwardly. For these reasons, I oppose her nomination.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Montana.

Mr. TESTER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREST JOBS AND RECREATION ACT OF 2009

Mr. TESTER. Madam President, I rise today to call on the Senate to take action on a bill I introduced last week—the Forest Jobs and Recreation Act.

The Forest Jobs bill is a product of years of effort from Montanans who worked together to find common ground on how to best manage and protect our forests. These folks—mill owners, conservationists, hunters and anglers, motorized users—have fought each other for decades. As little as 10 years ago, their differences were so great, they were so much apart that they could not even be in the same room together.

In the meantime, forest management came to a virtual halt, a beetle epidemic swept through our forests, and not a single acre of wilderness was designated in the State. Amid all the shouting, no one got what they wanted,

and all Montanans, and especially our forests, suffered for it.

With help from my fellow Montanans, we are working to fix that. That is why I am enormously proud to carry forward their work in the Forest Jobs and Recreation Act.

Besides putting aside old battles, this bill will help protect our communities from a crisis on Montana's forest lands. And make no mistake about it, Montana's forest communities face a crisis. Our forest crisis demands action, and it demands action now.

For example, in the Beaverhead Deerlodge National Forest in southwestern Montana, a shocking 660,000 acres of lodgepole pine are dead—killed by the mountain pine beetle. To put that in perspective, that is just shy of 1,000 square miles. That is a big figure, even for Big Sky country. And it is a number that is only on the rise.

What follows dead trees? Fire. As I speak, 200 firefighters are battling a wildfire just a few miles southwest of Deerlodge, MT, in those beetle-killed trees.

While no amount of work in a forest could put a stop to the beetle kill, if enacted into law, this bill will help protect our communities and our water supplies from the threats of future forest fires.

On the Beaverhead Deerlodge Forest, the bill mandates that an average of 7,000 acres a year be harvested. This work will happen in the context of larger stewardship projects aimed at restoring fishing and hunting habitat.

A council of local stakeholders will work with the Forest Service to help shape each of the projects, providing a voice to local folks in how we manage our forests.

The bill also addresses two districts on two other forests in Montana—the Three Rivers on the Kootenai and the Seeley on the Lolo. Similar work will occur in these places: big stewardship projects that are driven by local collaborations so our forests, and the communities within them, will be healthier in the end.

Let me be clear. This bill will not just help restore our forests and their watersheds, it will help restore our communities. It will put people back to work in the woods, harvesting trees, rolling up roads, building bigger culverts for fish, and tackling stream restoration projects.

A lot of mills have closed in Montana. We are at risk of losing more. If we lose that infrastructure, we will suffer an even bigger loss. We will lose the folks who know how to work in the woods. Without their know-how, without the mills to process the byproduct of their work, we will not be able to tackle head on the years of work that lie ahead—work to restore the woods around our towns, to make them more resilient to the fires that may one day come.

Of course, in Montana, we don't just work in the woods, we play in them. That is why Montanans asked me to

put aside recreation areas in this bill, and I did. Lands will be set aside for both motorized and nonmotorized use.

Lastly, I am proud to set aside some of Montana's best hunting and fishing habitats for future generations with this bill. This bill will keep some spectacular wild places with the cleanest water around you can imagine for our kids and grandkids to hunt and fish and hike and camp, places such as the Sapphires in this picture, the Snowcrests on Roderick Mountain, and lands next to our world famous Bob Marshall Wilderness.

It is a new day when motorized users, timber mill owners, back-country horsemen, hunters, fishermen, and conservationists all agree that it is time to set aside our differences for the sake of the forests and for the sake of our communities.

I have reached out to folks in western Montana to get feedback on these issues. I have held listening sessions throughout timber country, open to any and all Montanans who want to work together on a commonsense plan for our future.

Last weekend, I held a series of open meetings to announce the introduction of the bill and to hear more feedback. I have invited Montanans to visit my Web site—tester.senate.gov—to download their own copy of the legislation. Folks can also click on color-coded maps to see for themselves exactly what we are proposing. And they can sign up as citizen cosponsors of this important legislation. Already, hundreds of Montanans have signed on to make their voices heard and to help put their shoulder to the wheel to get this bill moving.

I can tell you, Montana is buzzing with excitement about this proposal. Folks see it as an opportunity to work together to support this "Made in Montana" solution to the conflicts that have stalemated us for far too long.

Working together, we will create jobs. Working together, we will create new opportunities for recreation. Working together, we will protect Montana's clean water. And working together, we will safeguard Montana's fishing and hunting habitat for our kids and grandkids.

Montanans are blessed to live among some of this Nation's finest public lands. We are willing to do our part to help wisely manage and protect these lands. Now it is time for Congress to step up to the plate and do its part.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

SOTOMAYOR NOMINATION

Mr. COCHRAN. Madam President, with respect to the nomination of Judge Sonia Sotomayor to be an Associate Justice on the U.S. Supreme Court, I find that I share many of the concerns expressed by the distinguished Senator from Arizona, Mr. KYL.

First, I want to thank Senators LEAHY and SESSIONS for their handling